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September 28, 2018

The Honorable Andrew Wheeler
Acting Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20004

Re: Comments of Senator Joe Manchin III on EPA Actions to Address Per- and Polyfluoroalkyl Substances; Docket ID No. EPA-OW-2018-0270

Dear Acting Administrator Wheeler,

While I am disappointed the Environmental Protection Agency ("EPA") declined to host a public meeting in West Virginia to hear about the long-term challenges posed by contamination of certain perfluoroalkyls and polyfluoroalkyl substances (collectively "PFAS"), I support the agency's work to develop a PFAS management plan by the fall of 2018.[1] West Virginians continue to face ongoing uncertainty and harm caused by unacceptable levels of PFAS, particularly perflourooctanoic acid ("PFOA"). Therefore, as my colleagues and I noted in an April 13, 2018, letter to former Administrator Pruitt, the EPA should set a maximum contaminant limit (MCL) "for all PFAS, based on rigorous scientific evidence, as well as a cleanup number from the Office of Land and Emergency Management. This will provide states, and our local communities, with much-needed certainty to move forward on remediation activities and protection regimes for drinking water systems."[2]

Background:

PFAS is a class of manmade chemicals in need of further study and response. The two most common chemicals in the PFAS class – perfluorooctanoic acid (PFOA) and perflorooctane sulfonate (PFOS) -- were widely used across numerous industries.[3] Studies have found human exposure to PFAS can have health risks.[4] The Centers for Disease Control (CDC) National Health and Nutrition Examination Survey data has found 95% of U.S. residents tested have some form of PFAS in their blood.[5] PFOA, commonly known as "C8", was used for decades in manufacturing processes in West Virginia.

All West Virginians want and deserve clean air to breath and clean water to drink. During the last Administration, West Virginia experienced the negative effects of misguided overregulation and repeated attempts by the EPA to regulate beyond its authority. I myself do not accept the false choice between the economy and the environment. It is also critical that inaction does not lead to failure to protect the public health. When it comes to PFAS, I believe the EPA can and

[1] EPA Actions to Address PFAS; Environmental Protection Agency; Available at https://www.epa.gov/pfas/epa-actions-address-pfas. Date Accessed: September 17, 2018.
[2] Senate Letter to EPA re. PFAS Cleanup; Available at: https://cswab.org/wp-content/uploads/2018/04/Senate-Letter-to-EPA-re-PFAS-cleanup-4.13.18.pdf; April 13, 2018.
[3] Basic Information on PFAS; Environmental Protection Agency; Available at https://www.epa.gov/pfas/basic-information-pfas, Date Accessed: September 17, 2018.
[4] Ibid.
[5] An Overview of Perfluoroalkyl and Polyfluoroalkyl Substances and Interim Guidance for Clinicians Responding to Patient Exposure Concerns, Center for Disease Control, Available at: https://www.atsdr.cdc.gov/pfc/docs/pfas_clinician_fact_sheet_508.pdf; Revised June 7/2017.

should be doing more, based on sound science, to ensure we have a comprehensive and meaningful approach to these chemicals.

While American manufacturers have phased out production of both PFOA and PFOS, it is my understanding PFAS substances are very resilient and take a very long time to break down. Because of this, PFAS can persist in the environment. It is also important to keep in mind that new chemical substances belonging to or related to the perfluoroalkyls classification continue to be developed. Therefore, it is imperative these substances undergo rigorous scientific review so their health and environmental risks are understood.

In May 2016, the EPA established a lifetime health advisory (LHA) drinking water advisory of 70 parts per trillion (ppt) for PFOA and PFOS. This LHA was a marked decrease from the previous short-term health advisory levels of 200 ppt for PFOS and 400 ppt for PFOA.[6] The EPA Office of Water established the previous levels in 2009.[7] The May 2016 LHA required utilities to notify customers of the presence and dangers of PFOA and PFOS in their drinking water. At the time, utilities with water levels above the new LHA served as many as 5.2 million Americans, and 27,700 West Virginians.[8] Following this, the West Virginia Bureau of Public Health promptly issued a "Do Not Drink" advisory in Parkersburg, Vienna, and Martinsburg.[9]

Parkersburg and Vienna are communities adjacent to the DuPont Washington Works plant that manufactured PFOS beginning in the 1950's. Martinsburg is home to the 167th Airlift Wing, a unit of the West Virginia National Guard.[10] The contamination by PFOA in Martinsburg is linked to the Department of Defense's use of aqueous film-forming foam (AFFF) - a highly effective fire suppressant. The use of AFFF by the DoD dates back to the 1970s for safety and asset protection.[11]

In June 2018, the Agency for Toxic Substances and Disease Registry (ATSDR) released a draft report analyzing the toxicology of 14 perfluoroalkyls including PFOA and PFOS.[12] The ATSDR report also discusses the different pathways for exposure to PFAS including but not exclusively drinking water.

I believe the EPA must establish a proactive and holistic management plan with clear and consistent guidelines and standards. Addressing both the existing and future challenges from PFAS will require collaboration from numerous federal agencies, states, local communities, utilities, industry and other stakeholders.

On April 13, 2018, I joined 24 of my colleagues in a letter to then-Administrator Pruitt outlining our concerns with PFAS and encouraging the agency to take swift action to address those concerns. As discussed in the letter, the EPA has several tools in its toolbox to cement its role as a leader in solving this issue. I would like to take this opportunity to respectfully encourage the

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[6] EPA Drinking Water Health Advisories for PFOA & PFOS. Available at https://www.epa.gov/sites/production/files/2016-06/documents/drinkingwaterhealthadvisories_pfoa_pfos_updated_5.31 16.pdf. Last accessed September 17, 2018.

[7] Ibid.

[8] Environmental Working Group. "Drinking Water for 5.2 Million People Tainted by Unsafe Levels of PFCs." May 23, 2016. Available at: https //www.ewg.org/enviroblog/2016/05/drinking-water-52-million-people-tainted-unsafe-levels-pfcs# W6ATFuhKgaJ Last accessed September 17, 2018.

[9] West Virginia Department of Health and Human Resources. "Perfluorinated Compounds Drinking Water Health Advisory". Available at; https://www.wvdhhr.org/oehs/documents/BPH_pfoa%20pfos_FL.pdf. Last accessed September 17, 2018.

[10] Aqueous Film Forming Foam Report to Congress, Department of Defense. November 3, 2017. Available at https://www denix.osd.mil/derp/home/documents/aqueous-film-forming-foam-report-to-congress/. Last accessed September 20, 2018

[11] Ibid.

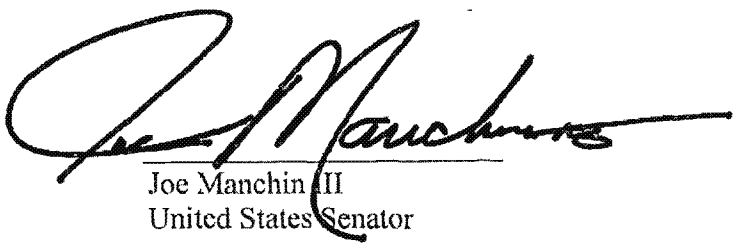
[12] Agency for Toxic Substances and Disease Registry (ATSDR) and the Environmental Protection Agency (EPA). "Toxicological Profile for Perfluoroalkyls Draft for Public Comment " June 2018. Available at https //www.atsdr.cdc.gov/toxprofiles/tp200.pdf. Last accessed September 20, 2018.

EPA to review and consider an enforceable national standard or maximum contaminant limit (MCL) under the Safe Drinking Water Act (SDWA)[13] as a first step.

As the former Governor of West Virginia and a lead supporter of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, I know how valuable and beneficial clear policy guidance is when addressing public health and community matters. Further research on PFAS is needed, and cleaning up and responding to contamination will be complicated and likely expensive. For the sake of future West Virginians, I urge the EPA to take action to provide regulatory certainty, resources, and additional expertise to empower and support states and local communities wishing to respond to PFAS contamination and protect public health.

I look forward to further engagement with the EPA on this issue and thank you for your consideration of my comments.

Sincerely,



Joe Manchin III
United States Senator

[13] The Safe Drinking Water Act of 1996, P.L. 104-182. §1412(B).